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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **BLAKE E. CARR**
1737 South Bardo Street
14 Visalia, CA 93277
Applicator License No. RA 51914

15 Respondent.

Case No. 2012-35

OAH No. 2012030313

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. William H. Douglas (Complainant) is the Interim Registrar/Executive Officer of the
21 Structural Pest Control Board. He brought this action solely in his official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Kent D. Harris, Deputy Attorney General.

24 2. Blake E. Carr (Respondent) is representing himself in this proceeding and has chosen
25 not to exercise his right to be represented by counsel.

26 3. On or about April 6, 2011, the Structural Pest Control Board issued Applicator
27 License No. RA 51914 to Blake E. Carr (Respondent). The Applicator License was in full force
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1 and effect at all times relevant to the charges brought in Accusation No. 2012-35 and will expire
2 on April 6, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-35 was filed before the Structural Pest Control Board (Board),
5 Department of Pesticide Regulation, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 February 16, 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2012-35 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2012-35. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2012-35, agrees that cause exists for discipline and hereby surrenders his Applicator License
25 No. RA 51914 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Applicator License without further process.
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CONTINGENCY

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10. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that electronic or facsimile copies of this Stipulated Surrender of License and Order, including electronic or facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Applicator License No. RA 51914, issued to Respondent Blake E. Carr, is surrendered and accepted by the Structural Pest Control Board.

1. The surrender of Respondent's Applicator License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Structural Pest Control Board.

3 2. Respondent shall lose all rights and privileges as an Applicator in California as of the
4 effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
8 the Board shall treat it as a new application for licensure. Respondent must comply with all the
9 laws, regulations and procedures for licensure in effect at the time the application or petition is
10 filed, and all of the charges and allegations contained in Accusation No. 2012-35 shall be
11 deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$1,326.50 prior to issuance of a new or reinstated license.

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16 ACCEPTANCE

17 I have carefully read the Stipulated Surrender of License and Order. I understand the
18 stipulation and the effect it will have on my Applicator License. I enter into this Stipulated
19 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
20 by the Decision and Order of the Structural Pest Control Board.

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22 DATED: 5/9/12 
23 BLAKE E. CARR
24 Respondent
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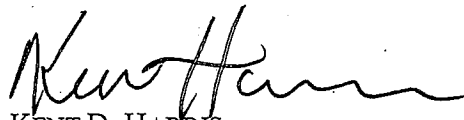
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: 5/22/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



KENT D. HARRIS
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BLAKE E. CARR
1737 South Bardo Street
Visalia, CA 93277
Applicator License No. RA 51914

Respondent.

Case No. 2012-35

OAH No. 2012030313

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on August 17, 2012.

It is so ORDERED July 18, 2012.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION

Exhibit A

Accusation No. 2012-35

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS
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5 P.O. Box 944255
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6 Telephone: (916) 324-7859
Facsimile: (916) 327-8643
7 Attorneys for Complainant

FILED

Date ~~2/8/12~~ By *William H. Douglas*

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-35

13 **BLAKE E. CARR**
14 **1737 South Bardo Street**
15 **Visalia, CA 93277**

ACCUSATION

16 and
17 **1309 North Comstock Street**
18 **Visalia, CA 93277**

19 **Applicator License No. RA 51914, Br. 2 and 3**

Respondent.

20 William H. Douglas ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in his official capacity as the Interim
23 Registrar/Executive Officer of the Structural Pest Control Board ("Board"), Department of
24 Pesticide Regulation.

25 2. On or about April 6, 2011, the Board issued Applicator License Number RA 51914 to
26 Blake E. Carr ("Respondent"). The license was in full force and effect at all times relevant to the
27 charges brought herein and will expire on April 6, 2014, unless renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 8620 provides, in pertinent part, that
3 the Board may suspend or revoke a license when it finds that the holder, while a licensee or
4 applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu
5 of a suspension may assess a civil penalty.

6 4. Code section 8625 states:

7 The lapsing or suspension of a license or company registration by operation of
8 law or by order or decision of the board or a court of law, or the voluntary surrender
9 of a license or company registration shall not deprive the board of jurisdiction to
10 proceed with any investigation of or action or disciplinary proceeding against such
11 licensee or company, or to render a decision suspending or revoking such license or
12 registration.

13 **STATUTORY PROVISIONS**

14 5. Code section 8649 states:

15 Conviction of a crime substantially related to the qualifications, functions, and
16 duties of a structural pest control operator, field representative, applicator, or
17 registered company is a ground for disciplinary action. The certified record of
18 conviction shall be conclusive evidence thereof.

19 **COST RECOVERY**

20 6. Code section 125.3 provides, in pertinent part, that the Registrar may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Crime)**

26 7. Respondent is subject to discipline under Code section 8649, in that on or about
27 May 17, 2011, in the case of *People v. Blake Evan Carr*, (Super. Ct. Tulare County, 2011, Case
28 No. TCM249905), Respondent was convicted by the Court on his plea of no contest of violating
Penal Code section 484(a) (petty theft, to wit: \$20 cash). The crime is substantially related to the
qualifications, functions or duties of the profession of an applicator.

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1 OTHER MATTERS

2 8. Code section 8620 provides, in pertinent part, that a Respondent may request that a
3 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,
4 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made
5 at the time of the hearing and must be noted in the proposed decision. The proposed decision
6 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

7 9. Pursuant to Code section 8654, if discipline is imposed on Applicator's License
8 Number RA 51914, issued to Respondent, then Respondent shall be prohibited from serving as an
9 officer, director, associate, partner or responsible managing employee of a licensee, and any
10 licensee which employs, elects, or associates Respondent shall be subject to disciplinary action.

11 PRAYER

12 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Structural Pest Control Board issue a decision:

14 1. Revoking or suspending Applicator's License Number RA 51914, issued to Blake E.
15 Carr;

16 2. Revoking or suspending any other license issued to Blake E. Carr;

17 3. Prohibiting Blake E. Carr from serving as an officer, director, associate, partner,
18 qualifying manager or responsible managing employee of any registered company during the
19 period that discipline is imposed on Applicator's License Number RA 51914, issued to Blake E.
20 Carr;

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4. Ordering Blake E. Carr to pay the Structural Pest Control Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: 2/8/12

William H. Douglas
WILLIAM H. DOUGLAS
Interim Registrar/Executive Officer
Structural Pest Control Board
Department of Pesticide Regulation
State of California
Complainant

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